

RECEIVED
SDNY PRO SE OFFICEUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2016 SEP -1 PM 2:02

S.D. OF N.Y.

Kelly Price

Write the full name of each plaintiff or petitioner.

Case No. 15 CV 05871

~~Det. Linda Simmons, ADA Maria Strohbehn~~
~~ADA KENYA Wells, The City of New York, Deputy~~
~~DA Andrew Moore, ADA LARRY NEWMAN, ADA~~
~~LAURA HIGGINS, State Richendorfer, ARXUS Vance Jr.~~

Write the full name of each defendant or respondent.

~~Inspector Obe, Rose Pierre-Louis, P.O.~~
~~Matthew Winters~~

PLEASE TAKE NOTICE that

PlaintiffKelly Price

requests that the Court:

The Material Facts of my case have changed.
Extend the deadline for two weeks to submit
amended complaint as ordered on 7/26/16. I have discovered that
charges filed against me on 10/13/10 are still pending against me b/c
of "Clerical Error" by the MOAO. I have requested a certificate of
dismissal from the MOAO but they have not responded. As proceedings must
"be concluded in deponent's favor" in order to bring action technically

Briefly describe what you want the court to do. You should also include the Federal Rule(s) of Civil Procedure or
 the statute under which you are making the motion, if you know.

The Material Facts of my case have changed

In support of this motion, I submit the following documents (check all that apply):

- ☐ a memorandum of law
☐ my own declaration, affirmation, or affidavit

☒ the following additional documents:

Document from NY County Clerk's office detailing Constitutional harms.
Arrest # m19691069 on 10/13/2010 is still pending & open.

9/1/2016

Dated

Kelly Price

Name

534 W 137th St. #7

Address

444 676 1940

Telephone Number (if available)

Signature

Prison Identification # (if incarcerated)

New York NY

City

State

Zip Code

10033gorgeas212@gmail.com

Email Address (if available)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Kelly Price

Fill in above the full name of each plaintiff or petitioner.

Case No. 15 CV 05871

Det. Linda Simmons, ^{-against-} ADA Maria Strohehn,
ADA Kenya Wells, The City of New York,
Deputy D.A. Anthony Moore, ADA LARRY NEWMAN
ADA Laura Higgins nee Richardson,
P.O. Cyrus Vance Jr., Inspector Obel,
Commissioner Rose Pierre-Louis, P.O. Matthew Winters

Fill in above the full name of each defendant or respondent.

DECLARATION

In support of my Motion to extend deadline to
re-write order on 7/26/16 to 9/14/16 Because material

Briefly explain above the purpose of the declaration, for example, "in Opposition to Defendant's Motion for Summary Judgment." Facts of the complaint have changed

I, Kelly Price, declare under penalty of perjury that the
following facts are true and correct:

In the space below, describe any facts that are relevant to the motion or that respond to a court order. You may also refer to and attach any relevant documents.

I was Arrested on 10/13/10 for allegedly falsifying
a police report, which I had not. I was given a DAT
on 11/9/10 by the MDA. I erroneously believed that the
charges had been dismissed on 7/24/12 with the other
charges maliciously levied against me. I needed

The certificate of dismissal to show the court that the proceedings had ended in favor of the deponent (me). I went to Clerk's office at 100 Centre St. yesterday, to retrieve the certificate & was informed that the charges are STILL PENDING from the 10/13/10 Arrest.

As the rules for almost all torts state that in order to file an action "the charges must have been resolved in favor of the accused" I am unable to do so until these charges are fully adjudicated. I have requested the NDAO promptly correct their "Clerical Error" and have been informed the Supervisor is away on vacation & she is the only one w/ access to records dating back that far. Please your Honor! allow me two weeks to clarify this matter & correct the errors of the New York County District Attorney's office. I have attached the record of the arrested charges that the clerk has given me. Arrest # M10091069. Also this covers the issue of when my "custody" began & the government's duty to protect me begin to toll.

Attach additional pages and documents if necessary.

9/1/2016

Executed on (date)

Kelly Price

Name

Signature

Prison Identification # (if incarcerated)

534 W 137th St # 7 NY

NY

10033

Address

City

State

Zip Code

646 676 1940

Telephone Number (if available)

jorgdous212@gmail.com

E-mail Address (if available)

NAME: PRICE, KELLY C

AKA:

CASE TYPE: ARREST

DATE OF BIRTH: 11/27/1970

AKA:

ARREST TIME: 15:30

ARREST DATE: 10/13/2010

CCN: 64460474 R

NYSID NUM: 07961819 M *

ARREST NUM: M10691069

1)

2)

3)

DKT STATUS:

COMMAND:

MESSAGE: PF7/PF8 FOR MORE DEFENDANTS

DAT RETURN

DATE 11/09/2010

Room 229: DAT UNIT